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HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.10450 of 2007

29.10.2007

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Between

M/s Manikanta Agrotech Paraboiled Rice Mill ..Petitioner
represented byits Partner N.Vishweshwar Rao

AND

The Power Grid Corporation of India Limited ..Respondents
represented by its General Manager, New Delhi and
another

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:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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W.P. No.10450 of 2007

This writ petition has been instituted seeking a declaration that the action of the respondents in marking on the land for digging the holes for erecting the high tension transmission line in the land of the petitioner where a paraboiled rice mill is in existence without initiating the land acquisition proceedings and without paying any compensation to the petitioner, is bad.

The first respondent is a public sector undertaking of the Government of India. It had proposed to lay high-tension transmission lines and in the process, was making as much an exercise as is possible to ensure that least damage would be caused to the properties of private citizens. It has also been asserted by the respondents that while routing the optimum transmission lines, all the buildings, factories, movements or villages are avoided from the line corridors. It has also been specifically asserted that the rice mill of the petitioner is in fact situated away from the "transmission line corridor". It has also been specifically asserted that by virtue of the laying the transmission lines, it would not cause any interference or interrupt in any manner the functioning of the rice mill of the petitioner. It has also been further asserted that there is atleast 80 meters of distance between the writ petitioner's built up area

and the “transmission line corridor.” It is also further asserted that the transmission line corridor for 400 KV transmission line is 23 meters on either side of the line alignment. Since the distance is far more beyond the said line, no damage would ever be caused to the property in question of the writ petitioner and much less to the rice mill in existence. It is further asserted by the respondents that they will ensure by employing the necessary degree of skill and care while laying the transmission lines, so that as little damage as is possible is caused to any property and inspite of employing such degree of care and skill, should any damage be caused, full compensation would be paid to all such persons who are interested for the damage sustained by them. Therefore, the learned counsel for the respondents would urge unless transmission lines are laid, the question of making the assessment of the damage sustained either by the petitioner or any one else who is interested in any property would not arise. Should any damage be actually caused, the same is liable to be assessed by the competent authority and based upon the determination of such damage, the writ petitioner is assured of full payment of the compensation thereof in accordance with the provisions contained in the Act.

Since the right of the respondents to lay the transmission lines across the property of the writ petitioner is well recognized as evidenced by the judgments rendered by this Court in **B.Krishna Mandadi vs. Power Grid Corporation of India Limited**[1] and in **Managing Director, A.P.S.R.T.C. v. Kathavath Gopal**[2], this writ petition is disposed of duly

vacating the interim order passed by this Court on 16th May, 2007, granting liberty to the respondents to carry on the erection of transmission lines and in the process to employ the necessary degree of skill and care to ensure that as least damage as is possible is caused to the property of the writ petitioner and in case any such damage is caused, the respondents are directed to compensate the writ petitioner adequately in accordance with the law.

The writ petition is disposed of. No costs.

NOOTY RAMAMOHANA RAO.J.

Note: Furnish copy of the
Order today.
Registry is directed to return the
Photograph to the counsel
(bo)
29.10.2007
psr

[1] 2003 (5) ALD 194
[2] 2003 (5) ALD 198